

HOUSE BILL NO. 232

INTRODUCED BY NOENNIG, LANGE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF A PRESENTENCE INVESTIGATION REPORT PROPOSES A SENTENCE, THE PROPOSAL MUST INCLUDE A REQUEST THAT THE COURT IMPOSE THE SURCHARGE REQUIRED BY SECTION 3-1-317, MCA; EXTENDING THE DURATION OF THE SURCHARGE FOR COURT INFORMATION TECHNOLOGY; AMENDING SECTION 46-18-112, MCA, AND SECTION 5, CHAPTER 498, LAWS OF 2003; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-18-112, MCA, is amended to read:

"46-18-112. Content of presentence investigation report. (1) Whenever an investigation is required, the probation officer shall promptly inquire into and report upon:

(a) the defendant's characteristics, circumstances, needs, and potentialities;
(b) the defendant's criminal record and social history;
(c) the circumstances of the offense;
(d) the time of the defendant's detention for the offenses charged;
(e) the harm caused, as a result of the offense, to the victim, the victim's immediate family, and the community; and

(f) the victim's pecuniary loss, if any. The officer shall make a reasonable effort to confer with the victim to ascertain whether the victim has sustained a pecuniary loss. If the victim is not available or declines to confer, the officer shall record that information in the report.

(2) All local and state mental and correctional institutions, courts, and law enforcement agencies shall furnish, upon request of the officer preparing a presentence investigation, the defendant's criminal record and other relevant information.

(3) The court may, in its discretion, require that the presentence investigation report include a physical and mental examination of the defendant.

(4) If the presentence investigation report proposes a sentence, the proposal must include a request that

1 the court impose the surcharge required by 3-1-317."

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3 **Section 2.** Section 5, Chapter 498, Laws of 2003, is amended to read:

4 **"Section 5. Termination.** [This act] terminates June 30, ~~2005~~ 2007 2013."

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6 NEW SECTION. **Section 3. Effective date.** [This act] is effective June 28, 2005.

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8 NEW SECTION. **Section 4. Termination.** [Section 1] terminates June 30, ~~2007~~ 2013.

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